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12 \*Attorney for Petitioner Luis Gonzalas

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

12 Luis Gonzalas,  
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14 Petitioner,  
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16 v.  
17 Brian Williams, et. al.,  
18  
19 Respondents.

Case No. 2:17-cv-01653-RFB-GWF  
**Unopposed Motion for Extension  
of Time to File Amended Petition**  
(Third Request)

20 Petitioner Luis Gonzalas, by and through counsel, C.B. Kirschner, Assistant  
21 Federal Public Defender, moves this Court for an extension of time of sixty (60) days  
22 from November 16, 2018, to and including January 15, 2019, to file the First  
23 Amended Petition.  
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1 **POINTS AND AUTHORITIES**

2 1. On or about February 11, 2008, Luis Gonzalas, was sentenced to life  
3 with the possibility of parole, following his conviction for murder with use of a  
4 deadly weapon. On May 25, 2017, he filed a Petition for Writ of Habeas Corpus  
5 Pursuant to 28 U.S.C. § 2254 by a Person in State Custody (Not Sentenced to  
6 Death). ECF No. 1-1. Mr. Gonzalas remains incarcerated with the Nevada  
7 Department of Corrections.

8 2. This Court appointed the Office of the Federal Public Defender as  
9 counsel for Mr. Gonzalas and granted leave for counsel to file an Amended Petition  
10 for Writ of Habeas Corpus. ECF Nos. 7 & 11. Counsel entered her appearance on  
11 March 8, 2018. ECF No. 10.

12 3. The Amended Petition is currently due November 16, 2018. Mr.  
13 Gonzalas now requests an additional sixty (60) days, up to and including January  
14 15, 2019, to file the Amended Petition. This is the third request for an extension of  
15 time.

16 4. The additional period of time is necessary in order to effectively  
17 represent Mr. Gonzalas. This motion is filed in the interests of justice and not for  
18 the purposes of unnecessary delay.

19 5. Mr. Gonzalas is being housed at a prison in Eloy, Arizona. Counsel has  
20 met with him twice to discuss his case, requiring two full days of travel. The most  
21 recent visit was just two weeks ago, on November 2, 2018.

22 6. Unfortunately, counsel's schedule necessitates additional time to  
23 prepare the Amended Petition. Counsel will be arguing a case before the Ninth  
24 Circuit Court of Appeals on November 16, 2018 (*Noguera v. Smith*, case no. 17-  
25 16185). This is obviously an immovable date and requires extensive preparation  
26 time. Counsel is also scheduled to argue another case before the Ninth Circuit on

1 December 21, 2018 (*Rodney v. Filson*, case no. 17-15438), and will need time to  
2 prepare for that as well. Counsel is also working on numerous other habeas cases  
3 with upcoming filing deadlines.

4 7. Additionally, Counsel will be out of the office from November 21 to  
5 November 27, visiting family for the Thanksgiving holiday.

6 8. On November 13, 2018, Deputy Attorney General Jessica Perlick was  
7 contacted via email and stated that she did not object to the extension, but the lack  
8 of objection should not be construed as a waiver of any procedural defenses, nor as a  
9 concession that any amended petition will be considered timely filed, nor as a basis  
10 for equitable tolling.

11 9. For the above stated reasons, Petitioner respectfully requests this  
12 Court grant the request for an extension of time of sixty (60) days and order the  
13 Amended Petition to be filed on or before January 15, 2019.


14 Dated this 14<sup>th</sup> day of November, 2018.

15  
16 Respectfully submitted,

17 Rene L. Valladares  
18 Federal Public Defender

19 /s/ CB Kirschner  
20 C.B. Kirschner  
21 Assistant Federal Public Defender

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24 IT IS SO ORDERED:

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26 RICHARD F. BOULWARE, II  
United States District Judge  
DATED: November 19, 2018.

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Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Jessica Perlick.

Luis Gonzalas  
#1016275  
1250 E. Arica Rd  
Eloy, AZ 85131

An Employee of the  
Federal Public Defender